

# Court of Appeals, State of Michigan

## ORDER

People of MI v William James Gates

Docket No. 271508

LC No. 05-008663 FC

Peter D. O'Connell  
Presiding Judge

Patrick M. Meter

Stephen L. Borrello  
Judges

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The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED, and the matter is remanded to the trial court so that defendant-appellant may file, within 14 days, a motion for resentencing. Proceedings on remand are limited to the issue as raised in the motions to remand.

Appellant is to file with this Court a copy of any motion and any supporting brief filed in the trial court within 14 days of the Clerk's certification of this order. The trial court is to hear and decide the matter within 56 days of the Clerk's certification of this order. Appellant must also file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

The trial court is to make findings of fact and a determination on the record. The trial court is to cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of an order in the trial court that finally disposes of the remand proceedings. Nevertheless, the time for proceeding with the appeal begins 14 days from the date of certification of this order if remand pleadings are not filed in the trial court within the 14-day period.

Borrello, J. would DENY the motion to remand.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 02 2007  
Date

*Sandra Schultz Mengel*  
Chief Clerk